THE REPORT OF THE PARTY OF THE

## WASHINGTON

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continued from third page.

shove the law; his person is inviolable, and that, anys Mr. Justice Story, is exactly what belongs to the President of the United States. It is true, the learned commentator confines himself to cavil itability. It think without any difficulty be might have extended it to criminal liability; and I will say of the President, as I said of Sir Frederick Bruce, that if the President should so far forget himself in a moment of passion as to commit, if you please, the high crime of marrier, he could not be tried for it while he was President. Because, first of all, he in the representative of the nation, and the nation deal with him before they allow a court to deal with him. They say, so long as this man is our President no tribunal shall touch him for anything until we deal with him. When we deal with him and remeve him, and strip from him the robes of office, then take him and punish him as you please, and as he deserves, but not till then. While he is President he is not a morderer in the eye of the law. He is ser President, and nothing else. Whatever theindividual may have done punish him for it individually, but take not from him the inviolability of his office. Next, if the tourt please, although the argument it seems to me is unanswerable, upon the ground that the suit here is against the President, yet it is not difficult to show that the suit fact is against the my take which as if it were trought against them by name upon the record, and for this I have the authority of this court. I refer your honors now to the case of the Governor of a State, what was meant by saying the Governor of a State, what was meant by saying the Governor of a State, what was meant by saying the Governor of a State, what was meant by saying the Governor of a State, what was meant by saying the Governor of a State, what was meant by saying the Governor of a State, and the Court says, Chief Justice Marshall delivoring the opinion:—"The claim upon the Governor is at a Governor. He is sued not by his name bu by the description of Governor, without maning him-ridually. Here the individual is named, but he is ed as President, and the suit against birn is in his all capacity, for he official conducts, so that it is the at thing. The decree is pronounced, not not the person, but against the officer, as it do be here against the President, not to execute laws, for the ndividual has no power to excany law. In such a case, where the Magistrate of a State is sued, not by his entirely ing his official character, we think the itself may be considered as a party in the record in (in 12 Peters 610) the court asy "The executive is evested in the President as far as his power is red from the constitution. He is beyond the reach sy other department except in the mode prescribed he constitution through the impeaching power." The highest crimes and emeanors. Therefore, according to this, for the est crimes and indemensors, he is above, as President convertment. Only in that other chamber can arraige him for anything done or omitted to be while he is President. May it please your Honors, and to me unnecessary to pursue this question. So a this bill seeks to make the President a party, I said from the first that it was scanus. I mean in that respect not to criticize taste with which this bill was drawn, not so the word in its common, vulgar acceptation, but, gai language, a suit not fit to be brought, and which ourt in the United States can for one moment susting a language, a suit not fit to be brought, and which ourt in the United States can for one moment susting language, a suit not fit to be brought, and which ourt in the United States can for one moment susting language, a suit not fit to be brought, and which ourt in the United States can for one moment susting language, a suit not fit to be brought, and which our in the United States can for one moment susting language, a suit not fit to be brought, and which our in the United States can for one moment susting language, as a work of the president that I appear here to the int

ch a bill can be entertained by this tribn there is a later reading the various chauses of third of the constitution, he proceeded to point a difference between the words used in the grant ginal and appellate jurisdiction:—"In all cases of ambassadors, other public ministers and con-nd those in which a State shall be a party, the he-Court shall have original jurisdiction," and it t confined as was the appellate jurisdiction to the before mentioned" in the preceding clause, so mainch a Siste was a party, unless expressly restrained by other provisions of the constitution. In those cases where the Court had original parasite that the whole the whole the constitution, and could notitude be impured nor destroyed, enlarged nor diministed, nor allected in any way by any act of Congress. Another source of jurisdiction in the present case might be derived from the clause conferring jurisdiction in the case of controversy in which the United States is a party. Can the United States be sued under that clause of the constitution? On that subject Congress has expressed the most denite opinion. It has constituted the Court of Claims and granted in appeal from it—Allow me to say, that is by consent. A sovereign can consent to be sued at any time, and wairs his dignity. The President cannot, Upon the point whether the United States can be seed, I beg to refer the gentleman to an authority that I did not read when I was up, 4 heward, 25S, where the court ear, "There was no jurisdiction of the case in the Circuit Court, as the government is not hable to so sued except with its own consent igues by law, nor can a decree or judgment be entered against the government for costs." Mr. Warms—If he consent the government for costs." Mr. Warms—If the consent the government of the direct provision of the constitution that, or it may consent by an act of Congress. When it comes to the exercise of any jurisdiction is conferred exclusively to this court, but it may consent by an act of Congress. When it comes to the exercise of any jurisdiction is conferred exclusively to this court by an original bill. If, then, an individual or corporation to ano direct the government of the United States, congress may great jurisdiction is conferred exclusively to this court by an original boil. If, then, an individual or or a corporation may rue the government of the United States, even to a much larger amount, there are no remedy whatever. Story's Commentaries, to, see a confirmation of the counted that it is a controverse

situation and of the act of 1789 giving this court a right to decide, not in consequence of the character of the paries, but in consequence of the constitutional questions involved. It is too long to detain the court with reading that decision, but it ins precise distinction is distinctly maintained and resultment by Chief Justice Marshall from pages 396 to 402 of 6 Wheaton. The same doctrine will be found incidentally in the case of Hunter's Lessee vs. Martin (I Whoaton), where the decision was given by Mr. Justice Stery. In that case the learned Justice said, "appellate jurisdiction is given by the constitution to the Supreme Court in all cases where it has not original jurisdiction, subject, however, to such regulations as Congress may prescribe." The Court, thee, caunot take appellate jurisdiction in a case in which it can take original jurisdiction. Suppose, then, that Congress had passed a law not only siving to individuals and corporations, but giving the right to a State to sue the United States in the inferior rederal tribunals, and that either the plaintiffs or the defendants, the State or the party whe was saing, had brought up such a case, and appellate from the inferior tribunal to the Supreme Court, it could not have both original jurisdiction and appellate jurisdiction. Then the result would follow that every citizen, every corporation, every county, every municipality, embraced within this Union, could bring a case to the Supreme Court; but the very States which formed the conservation are the only parties that are and appelated from the inferior tribunal to the Supreme Court, it could not have both original jurisdiction and appellate jurisdiction. Then the result would follow that every citizen, every corporation, every county, overy municipality, embraced within this Union, could bring a case to the Supreme Court; but the very states which formed the constitution to suc the government of the brinds States in its own judicial tribunals. In addition to the cases already cited, in the great case of Osborne vs. the Bank of the United States (9 Wheaton, 820), in which the opinion was given by Chief Justice Marshall, he said—"Ji those cases in which original jurisdiction is given to the Supreme Court, the judicial power of the United States cannot be extrested in its appellate form. In every other case the power is to be exercised in its original or appellate form, as the wisdom of Congress may direct." With the exception of these cases, in which original jurisdiction is given to this court, there is none to which the judicial power extends, from which the original jurisdiction of the inferior courts is excluded by the constitution. Besides the authority of Judge Tucker, here we have four consecutive decisions of the Supreme Court of the United States, that in cases in which original jurisdiction is given to the Supreme Court of the Cluded States, that in cases in which original jurisdiction is given to the Supreme Court of the Cluded States, that in cases in which original jurisdiction is exclusive; it is vested directly by the constitution, and the constitution itself has conscient that in regard to the power by which this tribunal was created, that such was the respect that was the only classe in the constitution which repart to the power by which this tribunal was created, that such was the respect that was the only classe in the constitution which a state should be concurrent—that woul

by whit authority would this court or any other tribunal interpolate line the constituent the worst "controverse controverse the property of the sake of argument, that I may be missuppose, for the sake of argument, that I may be missuppose, for the sake of argument, that I may be missuppose, for the sake of argument, that I may be missue in this supposition, and that we cannot directly see the government of the United States, the question is, is this a unit against the government of the United States? This is not a sail against the President of the United States, only giving the name of no individual, as was the aut against the Governor of Georgia, cited by my learned brother, and the Court well remarked in that case that no process could issue uless against the case that no process could issue needs in the sail of the country of the

like the President. All officers are placed on protectly the same footing with him in that respect, with the single exception that when the President is the the single exception that when the President is the single exception that when the President is the single exception that when the President cannot be tried of the president cannot be tried of the president cannot be tried out of office, then the tent the mand officers of the United States who are subject to impeachment cannot be tried until they are out of office also. I heard with deep regret some remarks, which I trust will turn out to be too hasty and inadvertent, that fell from the lips of my learned and able friend, who is so much and so justly respected throughout the whole country. I refer to those remarks in which he said that friths court, in the performance of its sworn duty, should proceed under its each of office to defend the constitution of the United States from violation, even by the hands of the President, the President would not obey its order, and that there would be brought on a direct and fearful conflict believes the President and this great tribunal. Who has contended more strongly and with more ability than this very President of the United States, in his various veto messages which it suppose had the approbation of its Cabunet, or at least a portion of them, for the finality

President and this great tribunal. Who has contended more strongly and with more ability than this very President of the United States, in his various veto messages which I suppose had the approbation of his Cabinat, or at least a portion of them, for the finality of the decisions of the Supreme Court of the United States in all cases involving a construction of the constitution? Who has urged, from time to time, with more ability and force than this President the great doctrine that all the departments of this government are sworn to capport the constitution of the United States, and that this great tribunal, this arbiter, was created by the constitution to avoid just such a result, as my loarned brother has referred to, for the peaceful, and final and ultimate decision of all susquestions as this. What! the President of the United States not obey the mandate of this Court! If not, he disobeys the mandate of the constitution.

The ATRICKEW GEMERAL—The gentleman will allow me to say that the President merely follows the example of Thomas Jefferson in refusing to obey that subpoma.

Mr. WALKER—That was not carried out, It did not become necessary to carry it out. What the Court would have done if the necessity had existed is perfectly manifest. From the opinion of their Justice Marshall. But, although Mr. Jefferson was a very great and vary good man, and conferred countless blessings on his country and posterity, yet I befieve he used to boast that he was no lawyer, and he had no very favorable opinion of the United States. His writings are full of letters which it would be well for his reputation had they been expunged from his biography. Upon a judical question like this I would not waste time upon any attempt to compare the opinion of Thomas Jefferson with those of Chief Justice Marshall and Justice Story and the Supreme Court of the United States and of Madison, as shown in the recent publication of the fourth volume of his writings, carrying out the idea set forth by Hamilton and Madison and Jay in the Fede

of the army or heavy from the execution of that act, whoever shall speak that manistate of that act, whoever shall speak that manistate of that act, whoever shall speak that manistate of the content commented in relation to the classes of Karchall va. Stockton (12 Peters, 544); Ellis va. Earl Grey (6 Shroma, 124); Green va. Munford (6 Hotel Caland); Carrol va. Safford (3 Howard, 441); the State of Onio ex. rel. Whiteman va. Chaee, Governor (6 Ohio Reports, 520); Osborne va. The Bank of U. States (9 Wheaton 709); as chowing that no officer is above the law, but that all functionaries are amenable and responsible to it, and concluded as follows:—My lasticed britisch has drawn a picture of the United States should disobey the mandate of this court. Let us look at the calamilies that might follow on the other hand. If this court declines to exercise the power shield likely against the constitution of the United States is subverted and over-thrown. According to the Peedelon's own opinion, the constitution of the United States is subverted and over-thrown. According to this copinion a military despotism is erected spon the relate of the constitution, the States are to be expelled from the United States in the Constitution, the states for offsoces unknown and undefined, nevery at the will of a military offsec; daprited of the right of trial by Jayrout produced the constitution, deprived of the right of trial by Jayrout produced the right of trial produced the right of the right of the right of trial produced the right of the right of the rig

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58 BAST 25TH ST., AT HER PRESENT EMPLOY. Ser's—A Danish girl, as cook in a private family; is willing to help with the washing and ironing. 61 WEST 18TH ST.—A TOUNG WOMAN AS COOK and to assist with the washing and training if required, or would cook, wash and from; has no objection to go to the country for the summer with the family.

62 STH AV., FOURTH FLOOR, HALL ROOM-A young French woman, as wet nurse. 79 WEST 28TH ST.—A YOUNG WOMAN, AS CHAM-bermaid and waitress, or chembarmeid and nurse; her no objection to the country for the summer mouths; has the best of city reterence from her last place.

80 WEST 17TH ST., BETWEEN 61H AND 7FH AVS,—
A respectable Protestant, young woman, as cook and
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137 (OLD EO, SE WEST 19TH ST., BASE all its branches; no objection to go a short distan-country; good dity reference. 140 WRST EIGHTERNITH ST., NEAR ITE AV.—A or to do gossful housework. Reference given.

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60 THE AV. CORNER 33D ST., FRONT ROOM, accord flows, over the bakery—A respectable young roman, to take care of children and to de chamberwork; est city references from her last place.

222 EAST 11TH ST., UP STAIRS, FIRST FLOOR-by a respectable person, as frozer and semistreal in a first class private family; no objection to go to the cour-try for the summer months; satisfactory reference. 200 EAST 32D ST., NEW YORK—A YOUNG LADY, as as seleawoman in either a book or music store, or as assistant to a librarian, or as cashler in a first class store, in any city or large town in any of the Middle States; she is competent to fill either position named, can bring the very best testimonials as to character, ability and honeau, is served.

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A young American girl, as first class wateress, would go as nurse and wateress; has no objection to the yountry; has the best of city reference from her last emocunity; has the best of city reference from her last emocunity;

439 WEST 26TH ST., BETWREN 2TH AND 10TH objections to assist in the washing and ironing; has the best of city reference from her last place.

YOUNG LADY OF REFINEMENT AND EDUCA-tion would like a situation as housekeeper for a gen-uman or widower where the comforts of home are to be ligged; best of references given. Address for one week last Carrie Linwood, sisten D, New York city.

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BOY WANTED—IN A BROKER'S OFFICE, ON E who writes a good hand may apply; with references, between 9 and 10, at 74 Pine st, back office, up stairs.

MERCHANT'S AGENCY—208 BROADWAY, CONDUCT—ed under patronage of marchants; clerks, sa-istants-bookkeepers, porter, copylst, bookkeeper, wanted to-day.

M. WARD, Superintendent.

MONEY.-FIRST CLASS CANVASSERS WANTED IM-mediatels; steady employment, good pay. Call at 75 Rassau at., room No. 6. H. A. CONSTANTINE & CO. WANTED—A WELL RECOMMENDED YOUNG MAN for insurance business. Address with particulars, in own handwriting, W. S., Herald olice.

WANTED—AGENTS TO SELL A NEW FAMILY COOK the Poly whited in every respectable house; good wages are made every day. Call at 400 lst av., in the moraling.

WAITERS WANTED, SUNDAY, AT THE CASINO, WANTED-A PORTER; MUST BE WELL RECOMmended. Apply immediately to Good, Borgfeldt &
Co., 91 Chambers at.

WANTED-A YOUNG MAN, TO SOLICIT ADVERtisements for a new advertishing paper; 20 per cent
commission. Address J. C. W., Herald office.

WANTED-A YOUNG MAN TO DRIVE A HORSE and care. Apply and Young and to Be and care. Apply and Young at. E. &A. MARTIN.

2 AND 4 EXCHANGE PLACE, JERSEY CITY-ANcysterman and a walter. Call from 10 to 13 A.M.

THE GENUINE

ANTELET SEWING MACHINE.

WANTED—Agents, \$150 per month and all expenses paid,
to sell the Genuine Bartlett Sewing Machine. This Machine
will do all the work that can be done on any high prices
machine, and is fully patented, licensed and warranted for
five years. We pay like above wayes, or a commission, from
which twice that amount can be made. For Circuits and
it. HALL: \$ CO.

734 Chestnut street, Philadelphia. Pa.

\$200 PER MONTH SURE—SALMSMEN WANTED Clothes Lines. A rare change. Address the American Wire-Co., office 169 Frondway.

\$200 PER MONTH.—AGENTS WANTED IN EVERY country to sell our 'Universal Traveller's Salety Sey,' Every lady or gestleman travelling wants one as yeary room they may occupy during a journey is predered burglas proof by its use. T. C. PLATT & CO., 5 Dey sa.

A PURMISHED HOURS TO LET FRAM PO Associately furnished, with all the improvements. Advisable to the first provincents. Advisable to the first provincents.

SPECIAL NOTICE—GREAT EASTERN.—THERE Will be a grand display of fireworks, with a brillian flumination, by the Horis freez beatmen, at and around the Great Rantern foot of Little Twelfth street, North Twee, on the (Batarday) evening, commencing at 5 o'clock.

\$50 REWARD.—STOLEN FROM THE NEW YORK BOOM, ab lack Velvet Clock. The above reward will be paid to whoever will return the clock, and no questions asked.